IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3174 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
HON'BLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TUDOR INDIA LTD. THROUGH MANAGING DIRECTOR - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR MIHIR JOSHI with MR TANVISH U BHATT for Petitioner No(s).: 1.
MR SIRAJ GORI, AGP for Respondent No(s).: 1, 2,3.

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CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

Date : 01/08/2005

ORAL JUDGMENT (Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Rule. Learned AGP Shri Gori, appearing on the advance copy of this petition being served upon him, waives service for the respondents. Heard the learned

counsel for the parties.

2. Mr. Gori, learned AGP, on instructions from Shri Pathan, Sales Tax Officer, states that regular assessment will be made by the competent authority within two months from today provided the petitioner fully cooperates in the proceedings. Mr. Mihir Joshi, learned senior advocate appearing with Shri Tanvish Bhatt for the petitioner stated that the petitioner will fully cooperate in the proceedings and will not ask for any unnecessary adjournment. Mr. Joshi further states that they will furnish the undertaking to the Department to the effect that they will not transfer any immovable property worth Rs.2 crore and 25 lakhs till regular assessment is made. The said undertaking shall be filed within one week from today with the respondent authorities. In view of this statement made at the bar by Mr. Joshi on behalf of the petitioner, learned AGP Shri Gori for the respondents stated that they will release the batteries/raw material which have been attached by them within one week from the date of receipt of the undertaking.

3. Now, regular assessment is to be made within two months from today. Therefore, it is desirable that the

authority will not proceed with provisional assessment.

4. In view of the above, learned counsel Shri Joshi for the petitioner seeks permission to withdraw this petition. Permission granted. Accordingly, it is disposed of as withdrawn. Rule discharged with no order as to costs.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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